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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 1) ERICK OVIED ESTRADA;
15 2) ARIAN ALANI;
16 3) TOMAS MARQUEZ-RUIZ;
17 4) GILBERTO MARQUEZ;
18 5) CASEYA CHANEL BROWN;
6) ZOILA MICHELLE ESTRADA,

Defendants.

Case No. CR 23-564 MWF – 01 - 06

BRADY DISCLOSURE ORDER

19 Under federal law, including Rule 5(f) of the Federal Rules of Criminal
20 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions from
21 the Supreme Court and the Ninth Circuit interpreting *Brady*, the government has a
22 continuing obligation to produce all information or evidence known to the
23 government relating to guilt or punishment that might reasonably be considered
24 favorable to the defendant's case, even if the evidence is not admissible so long as it
25 is reasonably likely to lead to admissible evidence. *See United States v. Price*, 566
26 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the government to
27 produce to the Defendant(s) in a timely manner all such information or evidence.

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1 Information or evidence may be favorable to a defendant's case if it either may
2 help bolster the defendant's case or impeach a prosecutor's witness or other
3 government evidence. If doubt exists, it should be resolved in favor of the
4 Defendant(s) with full disclosure being made.

5 If the government believes that a required disclosure would compromise
6 witness safety, victim rights, national security, a sensitive law-enforcement technique,
7 or any other substantial government interest, the government may apply to the Court
8 for a modification of the requirements of this Disclosure Order, which may include *in*
9 *camera* review and/or withholding or subjecting to a protective order all or part of the
10 information.

11 This Disclosure Order is entered under Rule 5(f) and does not relieve any party
12 in this matter of any other discovery obligation. The consequences for violating either
13 this Disclosure Order or the government's obligations under *Brady* include, but are
14 not limited to, the following: contempt, sanction, referral to disciplinary authority,
15 adverse jury instruction, exclusion of evidence, and dismissal of charges. Nothing in
16 this Disclosure Order enlarges or diminishes the government's obligation to disclose
17 information and evidence to a defendant under *Brady*, as interpreted and applied under
18 Supreme Court and Ninth Circuit precedent. As the Supreme Court noted, "the
19 government violates the Constitution's Due Process Clause 'if it withholds evidence
20 that is favorable to the defense and material to the defendant's guilt or punishment.'" *Turner v. United States*, 137 S. Ct. 1885, 1888 (2017), quoting *Smith v. Cain*, 565
21 U.S. 73, 75 (2012).

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23 **IT IS SO ORDERED.**

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25 Dated: November 29, 2023

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MICHAEL W. FITZGERALD
United States District Judge